|  |
| --- |
| THIS DOCUMENT HAS BEEN PREPARED FOR THE PURPOSES OF THE  **PROJECT RESOURCE CENTER**.   IT IS FOR GENERAL GUIDANCE PURPOSES ONLY AND SHOULD NOT BE USED AS A SUBSTITUTE  FOR SPECIFIC TECHNICAL, PROCUREMENT OR LEGAL ADVICE FOR A PROJECT |

# Terms of Reference

# Consultancy Services - Energy Efficiency Legislation and Institutional Framework

## Background

*<Rationale for the project and for support from the donors.>*

## Objective of the Assignment

## The objective of the assignment is to prepare, for the [ministry in charge of energy and mining] of the [country], the draft instruments for an energy efficiency act and supporting regulations, and to propose an institutional framework to implement these acts and regulations.

## Scope of Assignment

The main tasks of the assignment will include but are not limited to:

1. review relevant laws, as well as various policy instruments in place, to provide a basis for the proposed energy efficiency act;
2. review the energy efficiency legislation and institutional frameworks of other developing countries, particularly those with similar conditions to those of [country];
3. prepare for the [ministry in charge of energy and mining] of the [country] an Inception Report, outlining the activities that the Consultant will undertake to complete the assignment, and which shall also summarize the results of the reviews conducted pursuant to tasks (a) and (b) above;
4. carry out initial consultations with various key stakeholders with a view to obtaining information that can be used in developing appropriate legislation, including:
   * 1. institutions in the energy sector such as the [agency in charge of rural electrification];
     2. the [regulatory authority for electricity];
     3. the [ministry in charge of transport and communication];
     4. the [country] [manufacturers association];
     5. the [country] [revenue authority];
     6. the bureau of standards;
     7. relevant higher institutions of learning;
     8. civil societies that are active in the fields of energy and the environment;
     9. other stakeholders that may be identified by the Consultant.
5. prepare and present to the [ministry in charge of energy and mining] of the [country] a Preliminary Report, including a draft energy efficiency act and an outline of the proposed relevant institutional framework, reflecting the reviews conducted and the initial stakeholder consultations undertaken;
6. identify countries with operational energy efficiency legislation and relevant institutional frameworks for the purpose of organizing a study tour for [number] senior officials of the [ministry in charge of energy and mining], including making the necessary administrative arrangements (on the basis that the cost of this tour should be included in the Consultant’s budget and will be treated as a reimbursable);
7. organize a consultative workshop for key stakeholders to discuss the Preliminary Report, so as to ensure that their concerns are addressed, on the basis that the [ministry in charge of energy and mining] will meet the cost of the workshop;
8. prepare and present to the [ministry in charge of energy and mining]:
   * 1. a revised draft energy efficiency act, with explanatory notes identifying the issues raised during the workshop with the key stakeholders and the proposed methodologies for addressing those issues;
     2. the corresponding draft regulations; and
     3. final proposal for the required institutional framework, setting out the recommended framework for the implementation of the act and the regulations;
9. prepare and present to the [ministry in charge of energy and mining] a Draft Final Report; and
10. prepare and present to the [ministry in charge of energy and mining] Final Report acceptable to the [ministry in charge of energy and mining].

## Data, Personnel and Facilities to be Provided by the Client

The [ministry in charge of energy and mining] will provide to the Consultant all the available documents that are relevant for the purpose of the assignment, such as previous studies, and any other relevant policy documents and materials for the assignment.

If office space is required, it will be provided at the [ministry in charge of energy and mining].

The [ministry in charge of energy and mining] shall be responsible for the costs associated with the hiring of venues and associated logistics for the stakeholder consultative workshop, including the cost of workshop materials.

## Skills Required on the Consultant’s Team

The Consultant’s team should include specialists with:

* 1. recent project experience in the development of electricity sector legal frameworks in the [continent], including recent experience in the development of energy efficiency legislation and energy efficiency implementation institutions for the electricity sector, and
  2. local knowledge of the principles applicable to the drafting of legal and regulatory instruments in the [country].

## Conflicts of Interest

The Consultant is required to comment on any potential conflicts of interest arising out of other assignments or a conflicting involvement in other assignments.

## Confidentiality

The Consultant agrees to keep confidential all information that it receives, directly or indirectly, from the [ministry in charge of energy and mining] or any other stakeholder, as well as all copies or analyses that they make, or have been made by third parties, on the basis of such information (collectively, the Material). The Consultant shall use the Material exclusively for the purpose of preparing deliverables relevant to this assignment. The confidentiality obligations shall not apply to information in the public domain. The Consultant shall only permit access to the Material to persons within its organisation on a need-to-know basis. The Consultant shall explicitly inform such persons of the confidential nature of the Material and, prior to providing them the Material, subject them to the confidential obligations contained in these Terms of Reference.